

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

United States Courts  
Southern District of Texas

FILED

## UNITED STATES DISTRICT COURT

MAR 26 2020

for the

District of \_\_\_\_\_

David J. Bradley, Clerk of Court

Division \_\_\_\_\_

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

TERRELL K. DURHAM

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

ED GONZALES - MARTINEZ  
DERAL COLEMAN

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS  
(Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

## Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name TERRELL KEITH DURHAM  
 All other names by which  
 you have been known: N/A  
 ID Number 01604322  
 Current Institution BAKER ST  
 Address 1200 BAKER ST  
HOUSTON TX 77002  
City State Zip Code

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

## Defendant No. 1

Name DERAL COLEMAN  
 Job or Title (*if known*) CHEIF  
 Shield Number \_\_\_\_\_  
 Employer SHERIFF DEPARTMENT HARRISSCOUNTY  
 Address 1200 BAKER ST  
HOUSTON TX 77002  
City State Zip Code  
☐ Individual capacity ☒ Official capacity

## Defendant No. 2

Name ED GONZALEZ  
 Job or Title (*if known*) HEAD OF HARRISS COUNTY SHERIFF DEPARTMENT  
 Shield Number \_\_\_\_\_  
 Employer SHERIFFS DEPARTMENT  
 Address 701 N. SAN JACINTO  
HOUSTON TX 77002  
City State Zip Code  
☐ Individual capacity ☒ Official capacity

## Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

Defendant No. 3

Name  
Job or Title (if known)  
Shield Number  
Employer  
Address

OFFICER MARTINEZ  
JAILER  
HARRISS COUNTY SHERIFF'S DEPARTMENT  
1200 BAKER ST  
HOUSTON TX 77002  
City State Zip Code  
☐ Individual capacity ☒ Official capacity

Defendant No. 4

Name  
Job or Title (if known)  
Shield Number  
Employer  
Address

UNKNOWN OFFICER  
JAILER  
HARRISS COUNTY SHERIFF'S DEPARTMENT  
1200 BAKER ST  
HOUSTON TX 77002  
City State Zip Code  
☐ Individual capacity ☒ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)  
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

8TH AMMENDMENT, 28 U.S.C § 2675(a)

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

SHERIFF ED GONZALES IS HEAD OF ALL THE COUNTY JAIL'S AND DENTION CENTERS. CHIEF DERAL COLEMAN IS THE CHIEF OF 1200 BAKER ST AND OFFICER MARTINEZ IS A DENTENTION OFFICER AT 1200 BAKER ST JAIL.

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee  
☐ Civilly committed detainee  
☐ Immigration detainee  
☐ Convicted and sentenced state prisoner  
☐ Convicted and sentenced federal prisoner  
☐ Other (explain) \_\_\_\_\_

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

N/A

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

1200 BAKER ST HOUSTON TX, 77002 CLINIC HOLDING CELL # 1 AND #2 12-7-19 THRU EARLY MORNING 12-8-19

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C. What date and approximate time did the events giving rise to your claim(s) occur?

9:00 PM 12-7-19 THRU EARLY MORNING 12-8-19 UNTIL  
AT LEAST 12:00 PM

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I WAS SLAMMED TO THE GROUND  
AND HANDCUFFED SO TIGHT IT CUT OFF THE BLOOD TO MY FINGER TO  
BECOME PEREMENT NUM AT THE TIPS AFTER THAT I WAS THRU IN A  
HOLDING CELL #2 FOR OVER 6 HOURS WITH NO WATER AND NOT ABLE TO  
USE THE RESTROOM I URINED ON MYSELF DUE TO THE HANDCUFF NOT ABLE  
TO DO ANYTHING!! THE OFFICER'S AND THE JAIL CAMERA'S SEEN ALLOF THIS.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I SUSTAINED INJURIES  
TO MY FINGER'S, ARM'S AND WRIST AND MY KIDNEY'S  
I WAS ADMITTED IN MEMOREAL HOSPITAL FOR A WEEK  
BEING TREATED FOR KIDNEY FAILURE DUE TO THIS INCENDIENT  
AND DEHYDRATION STEMING FROM LACK OF WATER.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

1 MILLION DOLLAR'S FOR SERVAL INJURIES TO  
MY HAND'S WRIST, SHOLDERS, NECK, KIDNEY'S AND FINGURES  
AND EMOTIONAL AND PHYCOLOGY STRESS. ALSO ASKING FOR A  
ORDER FORBIDDEN HARRIS COUNTY DENTION FROM USING  
UNLAWFUL AND EXLESSIVE FORCE ABANIST ALL DETAINEES.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

1200 BAKER ST JAIL CLINIC  
HOLDING CELL #1 AND #2

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

THEY TURNED IT OVER TO OIG/IAD INTERNAL AFFAIRS DIVISION TO INVESTIGATE

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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

1200 BAKER ST JAIL GRIEVANCE BOX

2. What did you claim in your grievance? UNLAWFUL AND EXCESSIVE  
FORCE BY DETENTION OFFICER'S

3. What was the result, if any? OIG/IAD TOOK OVER THE  
CASE TO INVESTIGATE IT

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

THE GRIEVANCE PROCESS IS COMPLETE IT  
WAS TURNED OVER TO OIG/IAD I AM CURRENTLY  
WAITING ON THERE DECISION.

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

N/A

*(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)*

**VIII. Previous Lawsuits**

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.



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A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county and State)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition.

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

NO

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☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county and State)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

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**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: \_\_\_\_\_

Signature of Plaintiff

*Terrell K Durham*

Printed Name of Plaintiff

TERRELL DURHAM

Prison Identification #

#01604322

Prison Address

1200 BAKER ST

HOUSTON  
City

TX  
State

77002  
Zip Code

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

**HARRIS COUNTY SHERIFF'S OFFICE JAIL**

Name: TERRELL DUBHAM

SPN: 01604322 Cell: 5023

Street: 1200 BAKER ST

HOUSTON, TEXAS 77002



**INDIGENT**

United States Courts  
Southern District of Texas  
FILED

**MAR 26 2020**

David J. Bradley, Clerk of Court



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UNITED STATES COURT HOUSE  
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HOUSTON TX 77002

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